

PATENT COOPERATION TREATY

REC'D 18 MAY 2004

From the:
INTERNATIONAL SEARCHING AUTHORITY

WIPO PCT

To:

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PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

		Date of mailing (day/month/year)	13 MAY 2004
Applicant's or agent's file reference 54209PCT HKS		FOR FURTHER ACTION See paragraph 2 below	
International application No. PCT/AU2004/000318	International filing date (day/month/year) 17 March 2004	Priority date (day/month/year) 17 March 2003	
International Patent Classification (IPC) or both national classification and IPC Int. Cl. ⁷ G09B 25/06, 23/40, A63H 19/36, 33/42			
Applicant MASON, James Peter			

1. This opinion contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the opinion
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement.
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer ROSEMARY LONGSTAFF Telephone No. (02) 6283 2637
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WRITTEN OPINION OF THE
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International application No.

PCT/AU2004/000318

Box No. I Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

a sequence listing
 table(s) related to the sequence listing

b. format of material

in written format
 in computer readable form

c. time of filing/furnishing

contained in the international application as filed.
 filed together with the international application in computer readable form.
 furnished subsequently to this Authority for the purposes of search.

3. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

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Box No. V **Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims 3-4, 6-23	YES
	Claims 1-2, 5	NO
Inventive step (IS)	Claims 3-4, 6-9, 13-16, 18-23	YES
	Claims 1-2, 5, 10-12, 17	NO
Industrial applicability (IA)	Claims 1-23	YES
	Claims	NO

2. Citations and explanations:

Derwent Abstract Accession No 98-253417 (Abstract of FR 2754928) D1
 US 6291536 D2
 GB 2239611 D3

NOVELTY

Claims 1 and 2

Claims 1 and 2 are not novel over D1, which discloses all features of these claims. The abstract and figure shows a sheet-like base (1) of foamed plastics and a shaped layer (2), which is disclosed to be made of a number of possible materials, including latex.

INVENTIVE STEP

Claim 1

Claims 1 does not involve an inventive step over D2. Figures 4 and 5, column 1, lines 40-55 and column 12, lines 18-35 of this document disclose terrain models comprising latex. A base of foamed plastics is not disclosed in D2. However this is well-known in the art of terrain models, as disclosed on page 1 at line 20 of the current application, polystyrene being a foamed plastic.

Claim 1 also does not involve an inventive step over D3. The three-dimensional diorama scene of D3 is made of "a flexible but durable material, such as latex, and natural or synthetic rubbers." See page 2, lines 12-14 and Figures 3 and 5 of D3. As is discussed for D2, above, D3 does not disclose a base of foamed plastics, but this is a well-known feature of terrain models.

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: Box V

Claims 2, 5 and 10-12

Claims 2, 5 and 10-12 all contain features well-known in the art of terrain models and as such do not involve an inventive step over any one of D1, D2 or D3.